

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JAMES BELL,

Plaintiff,

-against-

AMBUTRANS,

Defendant.

1:22-CV-9126 (LTS)

ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff James Bell, who appears *pro se*, filed the complaint commencing this action without a signature. To allow Plaintiff to cure that filing deficiency, the Court, in an order dated and entered on October 25, 2022, directed Plaintiff, within 30 days of the date of that order, to resubmit the signature page of the complaint with an original signature. (ECF 3.) In that order, the Court also warned Plaintiff that if he failed to comply with that order within the time allowed, the Court would dismiss this action. (*Id.*)

Plaintiff did not resubmit the signature page of the complaint with an original signature within the time allowed. Accordingly, in an order and judgment dated January 12, 2023, and entered five days later, on January 17, 2023 – more than 60 days after the Court had issued its October 25, 2022, order – the Court dismissed this action without prejudice. (ECF 4 & 5.) Two days after the Clerk of Court entered the order and judgment dismissing this action, on January 19, 2023, however, and without explanation, the court received a signed signature page from Plaintiff. (ECF 6.)

To the extent that Plaintiff submits the signed signature page in an effort to have this action reopened, the Court denies that request because such a request does not fall under the Court's authority to reopen a closed action, such as this one, under Rules 59(e) or 60(b) of the

Federal Rules of Civil Procedure, or under Local Civil Rule 6.3. The Court, however, denies Plaintiff's request without prejudice to Plaintiff's refiling this action as a new separate civil action.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: January 24, 2023
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge